1 2 3 4 5 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 6 AT SEATTLE 7 MARTEZ E. BOSWELL, 8 Case No. C11-1694-RAJ-BAT Plaintiff, 9 REPORT AND v. RECOMMENDATION 10 MICHAEL J. ASTRUE, Commissioner of Social Security, 11 Defendant. 12 Martez E. Boswell seeks review of the denial of his Supplemental Security Income 13 application. Dkt.3. The parties, acting through their respective counsel, hereby agree that the 14 above-captioned case be reversed and remanded for further administrative proceedings pursuant 15 to sentence four of 42 U.S.C. § 405(g). Dkt. 24. 16 The Court has considered the parties' stipulation and the record, and recommends the 17 case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further 18 administrative proceedings. Upon remand to the Commissioner of Social Security, the Appeals 19 Council will remand this case to the Administrative Law Judge (ALJ) to hold a new hearing, 20 issue a new decision, and: 21 1) consolidate this case with Mr. Boswell's subsequent application pending at the 22 hearing level; 23

1	2) consider the opinion of Allen Hume, Ph.D., whose psychological assessment of Mr.
2	Boswell including a diagnosis of mild mental retardation (provisional), was new
3	evidence submitted to the Appeals Council after the ALJ issued his decision in this
4	case; and
5	3) re-evaluate Mr. Boswell's residual functional capacity as necessary.
6	Mr. Boswell may also present new arguments and further evidence, if such evidence
7	becomes available.
8	The parties agree that reasonable attorney fees and costs will be awarded under the Equal
9	Access to Justice Act, 28 U.S.C. sec. 2412(d), upon proper request to the Court.
10	Because the parties have stipulated the case be remanded as set forth above, the Court
11	recommends that United States District Judge Richard A. Jones immediately approve this Report
12	and Recommendation and order the case REVERSED and REMANDED for further
13	administrative proceedings. A proposed order accompanies this Report and Recommendation.
14	DATED this 3rd day of May, 2012.
15	
16	BRIAN A. TSUCHIDA
17	United States Magistrate Judge
18	
19	
20	
21	
22	
23	